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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/142,108 | 03/29/99 | BRUGLIERA | F 11658 |

SCULLY SCOTT MURPHY & PRESSER
400 GARDEN CITY PLAZA
GARDEN CITY NY 11530

HZ12/1101

| EXAMINER |
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| NELSON, A |

| ART UNIT | PAPER NUMBER |
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| 1638 | |

DATE MAILED: 11/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

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| EXAMINER |
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DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

1. The communication filed 8/30/01 is not fully responsive to the Office communication mailed 6/28/01. The new Sequence Listing filed 8/30/01 appears to contain new matter. In particular, Applicant does not point to support in the as-filed specification for the changes to SEQ ID NO:3 shown in the marked-up Sequence Listing. Applicant is required to point to support for amended SEQ ID NO:3, or to cancel the new matter and submit a new Sequence Listing that is supported by the Specification as filed. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the above-mentioned reply appears to be *bona fide* attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g).

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy J. Nelson whose telephone number is (703) 306-3218. The examiner can normally be reached on Monday-Friday from 8:00 AM -4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Paula Hutzell, can be reached at (703) 308-4310. The fax phone number for this Group is (703) 308-4242 or (703) 305-3014.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1234.



AMY J. NELSON, PH.D
PRIMARY EXAMINER

Amy J. Nelson

October 29, 2001

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